

(g) *Other charges.* When costs, other than costs specified in paragraphs (a), (b), (c), (d), (e), and (f) of this section, are involved in providing the services, the applicant will be charged for these costs. The amount of these charges will be determined administratively by the Chief. However, the applicant will not be charged for such cost without notification before the service is rendered of the charge for such item of expense.

[42 FR 53921, Oct. 4, 1977. Redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 47 FR 44704, Oct. 12, 1982; 51 FR 21135, June 11, 1986; 54 FR 21401, May 18, 1989; 55 FR 20443, May 17, 1990; 57 FR 11427, Apr. 3, 1992; 58 FR 48592, Sept. 17, 1993; 58 FR 64670, Dec. 9, 1993; 59 FR 1890, Jan. 13, 1994; 59 FR 13643, Mar. 23, 1994; 63 FR 32966, June 17, 1998; 65 FR 34042, May 26, 2000; 68 FR 39807, July 3, 2003]

**§ 54.28 Payment of fees and other charges.**

Fees and other charges for service shall be paid in accordance with the following provisions unless otherwise provided in the cooperative agreement under which the service is furnished. Upon receipt of billing for fees and other charges for service the applicant shall remit by check, draft, or money order, made payable to the Agricultural Marketing Service, USDA, payment for the service in accordance with directions on the billing, and such fees and charges shall be paid in advance if required by the official grader or other authorized official.

MISCELLANEOUS

**§ 54.29 Identification.**

All official graders and supervisors of grading shall have their Agricultural Marketing Service identification cards in their possession at all times while they are performing any function under the regulations and shall identify themselves by such cards upon request.

**§ 54.30 Errors in service.**

When an official grader, supervisor of grading, or other responsible employee of the Branch has evidence of misgrading, or of incorrect certification or other incorrect determination or identification as to the class, grade, other quality, or compliance of a product, he shall report the matter to

his immediate supervisor. The supervisor of grading will investigate the matter and, if he deems advisable, will report it to the owner or his agent. The supervisor of grading shall take appropriate action to correct errors found in the determination or identification of class, grade or other quality or compliance of products if the products are still owned by the person who owned them when, and are still located at the establishment where, the incorrect service was rendered and if such service was rendered by a grader under the jurisdiction of such supervisor, and the supervisor of grading shall take adequate measures to prevent the recurrence of such errors.

**§ 54.31 Uniforms.**

All meat graders and their supervisory personnel are required to wear clean, white, well-maintained outer frocks while performing any function under these regulations involving contact with or the handling of any meat or meat product.

[45 FR 19214, Mar. 25, 1980. Redesignated at 46 FR 63203, Dec. 31, 1981]

**Subpart B [Reserved]**

**Subpart C—Regulations Governing the Certification of Sanitary Design and Fabrication of Equipment Used in the Slaughter, Processing, and Packaging of Livestock and Poultry Products**

SOURCE: 66 FR 1198, Jan. 5, 2001, unless otherwise noted.

**§ 54.1001 Meaning of words.**

For the purposes of the regulations in this subpart, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand.

**§ 54.1002 Terms defined.**

*Act.* The Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*).

*Administrator.* The Administrator of the Agricultural Marketing Service (AMS), United States Department of

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Agriculture, or the representative to whom authority has been delegated to act in the stead of the Administrator.

*Agricultural Marketing Service (AMS).* The Agricultural Marketing Service of the United States Department of Agriculture.

*Applicant.* Any person who applies for service under the regulations in this subpart.

*Branch.* The Dairy Grading Branch, Dairy Programs, Agricultural Marketing Service.

*Chief.* The Chief of the Dairy Grading Branch, Dairy Programs, Agricultural Marketing Service, or the representative to whom authority has been delegated to act in the stead of the Chief.

*Compliance.* Conformity of a processing system, piece of processing equipment, or a utensil to identified standards.

*Department.* The United States Department of Agriculture.

*Deputy Administrator.* The Deputy Administrator of the Dairy Programs of the Agricultural Marketing Service or any officer or employee of the Dairy Programs to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in the stead of the Deputy Administrator.

*Design Review Specialist.* An employee of the Branch who determines and certifies or otherwise evaluates the compliance of equipment or utensils under the regulations.

*Design Evaluation and Certification Service.* The service established and conducted under the regulations for the evaluation and certification or other identification of the compliance of equipment or utensils used for the slaughter, processing or packaging of livestock and poultry products (Referred to hereinafter as "equipment" or "utensils") with sanitary specifications or standards.

*Fabricator.* Commercial entity engaged in the manufacture or assembly of equipment or utensils.

*Financially interested person.* Any person having a financial interest in the equipment or utensils involved, including but not limited to the designer, fabricator, or user of the equipment or utensils.

*Legal Holiday.* Those days designated as legal public holidays in Title 5, United States Code, section 6103(a).

*Person.* Any individual, partnership, corporation, or other legal entity, or Government agency.

*Processing.* Cooking, baking, curing, heating, drying, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, dehydrating, freezing, or otherwise manufacturing, and includes the packaging, canning, jarring, or otherwise enclosing in a container.

*Program.* The Dairy Programs of the Agricultural Marketing Service.

*Standards.* The most recent version of standards for equipment and utensils formulated by the NSF/3-A Joint Committee on Food Processing Equipment (Referred to hereinafter as "NSF/3-A").

*The regulations.* The regulations in this Subpart.

### **§ 54.1003 Designation of official certificates, memoranda, marks, and other identifications, for purposes of the Agricultural Marketing Act.**

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended provides criminal penalties for various specified offenses relating to official certificates, memoranda, and marks or other identifications, issued or authorized under section 203 of said Act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this subpart, the terms listed in paragraphs (a) through (c) of this section shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under the regulations to certify with respect to the evaluation, review, condition, or acceptance of equipment or utensils (including the compliance of equipment or utensils with applicable standards).

(b) "Official memorandum" means any initial record of findings made by an authorized employee of the Dairy Grading Branch in the process of determining compliance, evaluating, or reviewing equipment or utensils pursuant to the regulations, any processing or in plant-operation report made by